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Official Records

Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

1438th Meeting
Thursday, 14 July 1994, 3 p.m.
New York

Acting Chairman: Mr. Remirez de Estenoz Barciela . . . . . (Cuba)

The meeting was called to order at 3.20 p.m.

Special Committee decision of 15 August 1991 concerning Puerto Rico (*continued*)

At the invitation of the Chairman, Mr. Noel Colón Martínez of the Congreso Nacionál Hostosiano of Puerto Rico took a place at the Committee table.

The Chairman: (*interpretation from Spanish*): I call on Mr. Colón Martínez.

Mr. Colón Martínez (*interpretation from Spanish*): On behalf of the Congreso Nacionál Hostosiano, I wish to thank the Chairman and members of the Special Committee for the opportunity given my organization once again to express our points of view on the colonial case of Puerto Rico.

Our organization is engaged in the very important task of coordinating the substantive work carried out by a whole range of independence organizations. We seek to strengthen the fight for independence precisely at a time when the world has brought an end to colonialism in this decade.

Some of the organizations under the umbrella of the Congreso Nacionál Hostosiano have decided to channel through us their views on the current situation and our collective continued demand that the colonial case of Puerto Rico remain on the agenda of this Committee - indeed, on the agendas of all international organizations that consider the maintenance of colonial relations as a continuing violation of the letter and spirit of the Charter of the United Nations.

Since the 1960s, the General Assembly has addressed the problem of decolonization as a priority matter on its agenda.

In the struggle against colonialism, great victories have been won. Among these, we particularly rejoice over the achievement of majority rule in South Africa under the wise guidance of Nelson Mandela and the attainment of an autonomous government by the Palestinian people under the equally wise leadership of Yasser Arafat.

The Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV)

> "solemnly proclaims the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations". *(resolution 1514 (XV), twelfth preambular paragraph)*

It unequivocally states that

> "The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and cooperation." *(ibid., operative para. 1)*

There would seem to be little need for Puerto Ricans to remind this Committee of the express language in the Declaration that serves as its fundamental frame of reference, except for the fact that in our country the administering Power has been quite successful in delaying

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the process of decolonization, resorting to the same tactics that were used with equal success before the adoption of resolution 1514 (XV). In 1953, in violation of the spirit and letter of the Charter, the Government of the United States created an artificial situation that resulted in the General Assembly's endorsement, by resolution 748 (VIII), of a political relationship with Puerto Rico that was termed Commonwealth status but which in reality did not alter the foundations of the colonial relationship that existed then and still exists today.

Although the United Nations, through this Committee, partly rectified that error by reopening discussion of the case of Puerto Rico, the United States still boldly disregards the general decolonization policy of the United Nations and defiantly, sometimes deviously, persists in disregarding the mandate to respect the right of the people of Puerto Rico to self-determination and independence.

In 1972, this Committee, convinced that Puerto Rico had an unequal relationship with the United States and that the colonial relationship persisted despite the General Assembly's 1953 intervention, decided to include Puerto Rico on its agenda in the following terms: it asked its working group to submit at the beginning of 1973 a report on the procedure to be followed by the Special Committee for the implementation of General Assembly resolution 1514 (XV) with respect to Puerto Rico.

In 1994, 22 years after having included our case in its agenda, this Committee meets again to analyse the situation in Puerto Rico. We submit, as evidence of the persistent colonial situation, statements recently made during the meeting of the Ministers of the Non-Aligned Movement countries in Cairo last June. Regarding Puerto Rico and its right to self-determination, the Ministers expressed confidence that a legal framework would be adopted as soon as possible enabling the Puerto Rican people to exercise that right.

The Bureau of this Committee agreed on the following paragraph on prospective plans in relation to Puerto Rico:

> "the Expanded Bureau notes that there has been an annual discussion in the Special Committee on the question of Puerto Rico, including a hearing of the organizations interested in the question, and the adoption of a resolution after the hearing. As regards the postponement in 1992 of the discussion and decision on the item, it is recommended that this postponement be extended until 1995, pending the outcome of other consultations being held and subsequent steps being taken at various levels by the interested parties that could contribute to a procedural solution of the question. The Expanded Bureau also suggests that the Special Committee give due consideration to requests for hearing on the basis of its usual practice." *(A/AC.109/PV.1432, p. 66)*

The Special Committee on decolonization has adopted resolutions on Puerto Rico in the following years: 1972, 1973, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1990 and 1991. On each of those occasions, prompted by the testimony heard here the Committee has included various topics of immediate concern. In 1973, the United States Government was asked to refrain from interfering with the right of self-determination. In 1978, it was suggested that self-determination proceed pursuant to machinery selected by the Puerto Ricans in the exercise of their sovereignty; warnings were issued regarding the persecution of advocates of independence; the possibility of including commonwealth status as a decolonizing solution was opened up; and the release of political prisoners was urged. In 1979, the absence of machinery for transferring power to the people of Puerto Rico was pointed out and the condemnation of repression, harassment and persecution, as well as of military practices, was reiterated. In 1980, United States attempts to alter the legal status of the Territory without its express consent were denounced, and in both 1979 and 1980 investigating missions were requested. In 1981, the transfer of power to the people of Puerto Rico was urged.

In 1982, the United States was asked to treat Puerto Rico separately; the transfer of power was stressed; the denial of opportunities to the Puerto Ricans to take part in international events was deplored and the necessity of an investigative committee insisted upon. In 1983, the United States was asked to heed the resolutions of the Committee; respect for culture and national identity was urged; and a warning was issued against the militarization of our country.

Since 1984, 10 years ago, this Committee, faced with the defiant refusal of the United States to comply with its agreements and recommendations, has begun to evince a certain weariness. No other colonial case has been so successfully defended by an administering Power as that of Puerto Rico.

Since 1989, the United States has been sending mixed messages about Puerto Rico. Although the United States has never accepted the competence of this Committee

concerning our case, it has managed to ensure that those confused messages were taken as the basis for postponing and delaying consideration of the case in the hope that those messages would be interpreted as an indication of compliance with the decolonizing process.

Since 1989, too, and by reason of the great changes that have taken place in the world since the disappearance of the Berlin Wall and the enormous events since, the United States can no longer continue to claim that the case of Puerto Rico is a hold-over from the old East-West conflict. That argument was used in the past to split the consideration of our colonial case along ideological lines. Whatever validity that argument may have had no longer exists. When the East-West conflict existed, Puerto Rico was a colony of the United States. Today, when that conflict no longer exists, Puerto Rico remains a humiliating case of colonialism which continues to flout the decolonizing prestige of this Committee and the United Nations.

The past five years have been wasted as far as a solution to the status of Puerto Rico is concerned. From 1989 to 1991, the United States made congressional visits for the ostensible purpose of attending to relations between the Territory and the metropolitan Power; but in the end the United States was prepared neither to absorb the Territory, nor to grant it true independence. It was equally unwilling to consider a political association based on the sovereignty of our people. In 1993, a New York Congressman of Puerto Rican descent drafted a resolution that would guarantee self-determination to Puerto Ricans, but it was not considered by Congress. In 1994, another Congressman proposed an amendment to the United States Constitution that would have permitted the integration of Puerto Rico into the United States as a Territory. Harking back to the old imperialist way of dealing with colonial problems, Congress has refused to give serious consideration to that proposal too.

In 1993, an annexionist party proposed a plebiscite. It lost, but the United States has conveniently ignored the winner. One aim of that plebiscite was to have the United States declare its position once and for all. Although the voting took place in November 1993 there has still been no satisfactory response to its result.

At this point, the United States does not appear to have any definite plans with regard to Puerto Rico other than maintaining the unacceptable colonial relationship. The grace period granted by this international Organization to enable the United States to establish machinery to put an end to the colonial relationship must be brought to an end by affirmative action by this Committee that goes beyond routine convention. The colonial case of Puerto Rico is neither conventional nor routine.

In the aforementioned context, the independence movement proposes that the decolonization Committee give priority attention to a proposal that the International Court of Justice assume jurisdiction over the colonial case of Puerto Rico. Several very important goals would thus be achieved as we advance towards the full decolonization of Puerto Rico.

First, the United Nations position on Puerto Rico would be clarified and the validity of the resolutions adopted by the decolonization Committee on this international controversy would be maintained. Secondly, the United States Government would be obliged to declare before the international community what specific measures it is prepared to take to facilitate the exercise of self-determination and independence. Thirdly, an opinion from the International Court would have great educational value in facilitating political education in Puerto Rico on the illegal and oppressive nature of the current colonial relationship between Puerto Rico and the United States. The present proposal has the further merit of being a procedural move that is a potential locus of consensus among all those who are genuinely interested in achieving the true decolonization of the island.

The Bar Association of Puerto Rico, a professional association whose membership cuts across party lines, has demonstrated its firm support for the initiative to take the case of Puerto Rico to the International Court of Justice. We wish to read out the following excerpt from the proposal made last year by Carlos Noriega, President of the Bar Association of Puerto Rico:

> "The Association asks that when this request is made to the International Court of Justice we be allowed to appear before that Court as an organization that represents the legal profession in our country, where we are the oldest professional institution and the only organization that has succeeded in harmonizing in many resolutions over the past half century the divergent positions that reflect all aspects of Puerto Rican political thinking. Five hundred years of colonialism is a great deal of colonialism. *Quosque tandem*?" (*A/AC.109/PV.1422, p. 29-30*)

We respectfully submit that the independence movement in Puerto Rico is making a serious proposal that

has the strong potential to generate broad international support in the framework of a new international consensus interested in finding peaceful and creative solutions to old problems that should not be put off until the next century.

The Puerto Rican people has defended its inalienable right to exist as a separate nationality and is proud of its distinctiveness. We are therefore interested in joining the international community with equality of rights and responsibilities and in friendship with the other countries of our Caribbean region. However, that aspiration requires solidarity and support through the dynamic of the deliberative process I have described.

We respectfully recommend to this Committee, first, that it keep our colonial case on its agenda; secondly, that it take action on the petition to bring our colonial case before the International Court of Justice; thirdly, that it condemn the intensified military activity taking place in Puerto Rico under the plan to move the United States armed forces' Southern Command from Panama to Puerto Rico; fourthly, that it reiterate the necessity, now more urgent than ever, to dispatch a mission of enquiry to Puerto Rico; and, fifthly, that it demand freedom for our political prisoners jailed in the United States.

Mr. Colon Martinez withdrew.

At the invitation of the Chairman, Mr. Matthew J. Chachere (Instituto Puertorriqueño de Derechos Civiles and Center for Constitutional Rights) took a place at the Committee table.

The Chairman *(interpretation from Spanish):* I call on Mr. Chachere.

Mr. Chachere: The Instituto Puertorriqueno de Derechos Civiles and the Center for Constitutional Rights appear before this Special Committee as institutions dedicated to the defense of civil and human rights in Puerto Rico and the United States. We appear together today to present evidence of the serious and pervasive violations of those rights that have occurred in Puerto Rico in the last year. They can be summarized in two sentences: First, Puerto Rico remains a colony of the United States. Secondly, colonialism is incompatible with civil, constitutional and human rights.

Every effort to resolve the colonial status of Puerto Rico, whether it be by consultation between the Congress of the United States and the people of Puerto Rico or, failing that, by poll and straw-vote - as in last November's so-called "referendum" - founders against the rock of United States sovereignty over Puerto Rico. The United States has repeatedly demonstrated that it is not disposed to any dialogue, discussion or negotiation with Puerto Rico. It will listen to petitions and hear opinions, but it refuses to cede even a millimetre of the plenary sovereignty it exercises over a nation it seized as booty of war.

As recently as late May of this year, the United States House Subcommittee on Insular Affairs proposed "incorporation" as the solution to Puerto Rico's colonial status, as if Puerto Ricans had not just rejected that option last November. The only result of those hearings was to postpone yet again a decision on Puerto Rico's status. The new United States Administration needed "more time" to study the issue.

In 1994, Puerto Rico continues to be a colonial stepchild. The people enjoy precisely the degree of liberty and rights as the United States sees fit to confer. These are not the same rights and liberties permitted - at least in theory - to those who live within the national borders of the United States. This kind of wholesale, legal discrimination is an incident of colonialism. It violates not only resolution 1514 (XV), but also the Declaration on the Elimination of all Forms of Racial Discrimination and its corresponding Convention and the Universal Declaration of Human Rights, as well as the very Charter of the United Nations. Permit us to illustrate.

First, 49 public housing projects in Puerto Rico have been taken by assault and occupied by the National Guard, a dependency of the United States Armed Forces. Sixty per cent of all Puerto Rican families live below the official United States poverty line. Many of Puerto Rico's poor and unemployed - officially about 18 per cent, in reality at least 40 per cent of the workforce - live in large public housing complexes. The current Governor has declared the housing projects a war zone. He does not speak metaphorically. Armed soldiers clad in fatigues drop from helicopters onto the roofs of those residences. Small tanks patrol the perimeter. Together with local police, the soldiers take physical control of the area as if occupying enemy territory.

The police enter apartments by breaking doors and windows, terrifying residents. They have neither warrant nor any other judicial authorization for the often disorderly and disruptive searches. They interrogate and accuse residents merely because they are poor and young and live in Government housing. After the initial assault, United States and local Government funds are used to enclose the

communities and establish checkpoints at the entrances, where every vehicle seeking entrance is stopped and inspected. At least two innocent youths have been killed by police in the course of these takeovers. All of these acts violate the Constitutions of both Puerto Rico and the United States and the Universal Declaration of Human Rights.

Secondly, the Governor of Puerto Rico claims an inherent power to suspend normal constitutional guarantees and use military force to control the civilian population. By means of unpublished executive orders declaring a state of emergency, the Governor of Puerto Rico sought and received permission from the United States to activate the National Guard to perform ordinary civilian police functions. Initially, many of those deployed were Military Police of the United States Army deployed to perform ordinary police functions in Puerto Rico. In addition to the occupation of the public housing projects, their functions include setting up roadblocks and barriers to stop cars for general inspection and questioning and the construction of physical barriers, usually between poor and less-poor communities.

These measures violate the fundamental premise of democracy that the military is subordinate to the civilian power. They also violate the Universal Declaration of Human Rights as well as the Posse Comitatus Act of the United States and, again, the Constitutions of Puerto Rico and the United States.

Thirdly, hundreds of Puerto Ricans affirm their Puerto Rican nationality by signing sworn affidavits seeking to renounce United States citizenship and claim that of Puerto Rico. The United States refuses to recognize the gesture.

In 1917, on the eve of the First World War, the United States imposed United States citizenship on all Puerto Ricans. Puerto Rico's House of Delegates, the only elective governmental body permitted the people of Puerto Rico under United States rule, unanimously and eloquently rejected the imposition of a foreign citizenship, declaring that even if offered citizenship in Heaven, they would feel obliged to decline it in favor of their own, at least until death. The United States was not impressed by their eloquence or their love of their country. The imposition of the citizenship of a foreign country on a people who do not want to be citizens of anything but their own country is clearly contrary to the Universal Declaration and the purpose and spirit of the Convention on the Reduction of Statelessness.

The United States' refuses to recognize and rectify its error. The United States State Department has advised Puerto Ricans seeking to affirm their identity as citizens of Puerto Rico by renouncing United States citizenship that they must first leave Puerto Rico and go to a United States embassy in a foreign country. It has threatened that if they do so, however, they may not be allowed to return to Puerto Rico and may be treated as illegal immigrants in their own country. This position violates the provisions not only of international law cited above, but of established United States law.

Fourthly, Puerto Rico continues to serve as a military testing and proving ground for United States weapons and methods of warfare, to the detriment of the people whose land and livelihood are taken. Decades of letters, petitions, entreaties, and proposed legislation have done nothing to dislodge the United States Navy from occupying two thirds of the island municipality of Vieques. Its residents are forced to huddle together in the middle third of the island designated by the Navy as non-military. The eastern and western thirds of the island are dedicated exclusively to military uses - the storage and testing of lethal weapons and toxic materials and for military training. The fishing and tourist industries are paralyzed by the military monopoly on the island. Even after the declared end of the Cold War, the United States insists that Vieques is a strategic military possession, which it will not consider giving up. The military use of Puerto Rico is not limited to Vieques.

Even as we speak, the United States is carrying out exercises with the forces of the Southern Command in Aguadilla, Puerto Rico. No Puerto Rican official was consulted or even advised of the planned exercise. The continued use of a substantial portion of Puerto Rico's land - rent-free - by United States military forces violates General Assembly resolution 1803 (XVII) on the "Permanent sovereignty over natural resources".

Fifthly, the practice of illegal political surveillance continues, notwithstanding its clear and firm prohibition by the Supreme Court of Puerto Rico. Notwithstanding the Supreme Court of Puerto Rico's clear and unequivocal edict prohibiting political spying by any and all agencies of the Government, it persists to a degree we will never be able fully to document. This year, the existence of cabinets full of political intelligence files that the Supreme Court had ordered returned to their subjects or destroyed was discovered by the Police Departments of Mayaguez and Arecibo. Even more disturbing was the discovery and subsequent destruction of political intelligence files maintained by the Intelligence Division of the Telephone

Company of Puerto Rico, many of whose agents carried out illegal spying as members of the Intelligence Division of the Police of Puerto Rico. The destruction of evidence made objective evaluation of the extent of the practice impossible. The evidence that remained once again illustrates the inevitable correlation between colonialism and repression. Workers who attend union meetings, who attend rallies in favor of retaining Spanish as the official language, who have friends who are openly *independentista* are all perceived as jeopardizing the efficiency of and security of enterprises such as the Telephone Company, which carries out unconstitutional acts of electronic surveillance against *independentistas*, labor organizers, environmentalists and others suspected of opposing policies of the administration.

Sixth, the organization and administration of justice became a victim of ideological warfare, depriving the people of Puerto Rico of impartial and substantial justice.

The independence of the Puerto Rican judiciary is seriously threatened under a series of "reforms" proposed by the current administration designed to convert it into yet another weapon in the battle over the political status of Puerto Rico. Already approved, over the virtually unanimous objection of the judiciary and the Puerto Rican Bar Association, is a plan to restructure the courts that would give the current Governor an opportunity to name an unprecedented number of judges - 200 - in order to maintain what is euphemistically called an "ideological balance".

Many of the other so-called law reforms proposed by the current administration also represent efforts to abolish Puerto Rican institutions that differ from their counterparts in the United States. The most dangerous of these is the plan to amend the Constitution of Puerto Rico, not to expand rights but to constrict them by abolishing the current provision guaranteeing every accused Puerto Rican the right to bail and prohibiting more than six months' detention without trial under any circumstances.

Seventh, Puerto Ricans struggling for the independence of their country are judged in tribunals of the United States, where the international law of decolonization is deemed "irrelevant". The principles of equality before the law, the presumption of innocence and the right to a fair and public hearing by a competent, independent and impartial tribunal are enshrined in the Universal Declaration of Human Rights. The United States District Court for the District of Puerto Rico lacks political independence and impartiality. Its very reason for being is to protect the interests of the United States in Puerto Rico. Since its establishment the court has condemned those who struggle for independence to long periods of incarceration in exile. In particular it is a forum dominated by a single political party: the Partido Nuevo Progresista, which espouses statehood for Puerto Rico. Its leaders have encouraged relentless persecution of *independentistas* by both legal and illegal methods.

Currently pending in that forum is the trial of Luis Colón Osorio, who was arrested nine years ago for conspiring, as part of a clandestine organization known as Los Macheteros, to struggle for the independence of Puerto Rico. To date, the only offence of which he has been convicted is failure to appear for trial in connection with charges dismissed by the prosecution. While incarcerated in the United States awaiting trial he was subjected to what a former United States Army intelligence officer at Nuremberg and a psychologist of 40 years testified was psychological torture.

Trials before tribunals without political and institutional independence cannot render fair and impartial verdicts. The United States selects the forum in which to try *independentistas*. It does not elect to try them in the courts of Puerto Rico. Rather, it selects a forum in which Spanish is not spoken, even if the accused do not understand English. It is a forum that does not reflect the culture and values of Puerto Rico, but, rather, applies the laws made by non-Puerto Ricans in Washington. In that forum, no Puerto Rican struggling for the independence of his country has ever been allowed to present evidence about the international law of decolonization that condemns colonialism as a crime and makes the struggle for independence a sacred right of colonized peoples.

Sixteen Puerto Rican patriots are currently serving what are, for all practical purposes, life sentences for their participation in an almost century-long tradition of struggle for the right to self-determination. They have suffered and continue to suffer physical and mental torture, in violation of the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other violations of the Standard Minimum Rules for the Treatment of Prisoners.

In conclusion, the continuing plight of the Puerto Rican people is obvious to all who have examined the many facets of United States colonial domination of the island. Justice in the case of Puerto Rico requires that this Committee complete the fulfilment of its objective: the

abolition of colonialism from the face of the Earth before the year 2000.

Mr. Cháchere withdrew.

At the invitation of the Chairman, Ms. Lourdes Lugo López (National Committee to Free Puerto Rican Political Prisoners and Prisoners of War) took a place at the Committee table.

The Chairman *(interpretation from Spanish):* I now call on Ms. Lourdes Lugo López.

Ms. Lugo López *(interpretation from Spanish):* My name is Lourdes Lugo López, and I represent the National Committee to Free Puerto Rican Political Prisoners and Prisoners of War held in United States jails.

It is now more than 14 years since the capture of our fighters for Puerto Rican independence and, in contravention of the international protocols it has imposed on other countries, the United States holds our popular patriots in its dungeons.

Accused of conspiracy to commit seditious acts, 10 of those prisoners are serving sentences of 55 to 90 years. These sentences are 19 times as long as those assessed for all other offences committed that year. These disproportionate sentences are in reality a punishment for what the prisoners are - anti-colonial fighters - rather than for the acts committed.

The 13 who are in prison for conspiracy to commit seditious acts were convicted not of having committed any crime but, rather, of having thought about doing so. Some of those prisoners have already served 10 to 13 years in prison, which is much longer than the average sentence served by someone convicted of murder. Some of them are being held in maximum-security prisons whose restrictive conditions have been denounced by Amnesty International.

These political prisoners act for political reasons, not for personal profit.

The treatment and isolation to which these women and men have been subjected are the surest indication that they are prisoners of war and political prisoners. Since their capture they have been separated from their communities and their families. This has taken a severe toll on their participation in the upbringing of their daughters and sons, on the maintenance of their personal relationships and on their contact with the pulse of their community.

Ida Luz Rodríguez and Haydée Beltrán were taken to Davis Hall in Alderson, West Virginia, where they suffered sensory deprivation and mental and physical torture.

Alejandrina Torres was put in a unit that was more sophisticated than Alderson's; there the Government systematically tried to disorient and destroy her. They kept Alejandrina Torres shut in the basement of Lexington prison, like a hunter's trophy, with all the machinery needed for her destruction.

Oscar López-Rivera has gone eight years without feeling the embrace of his elderly mother or knowing the soft skin of his first and only grand-daughter. Eight years ago he was put into Marion prison. This prison has been denounced by international bodies because of the psychological mistreatment of those doing time there. During his time there Oscar López-Rivera's conduct has been unimpeachable. According to Marion's rules, a prisoner may eventually be transferred to another federal prison; Oscar, however, was held in the same unit for more than four years, and his only apparent chance of getting out of Marion is by being transferred to Florence, Colorado. The new federal prison there will replace Marion, since Marion was not designed to be a control unit. In the new prison the inmates will be kept in their cells for 23 hours a day; everything will be controlled electronically; prisoners will be more closely watched, since the prison's structure favours the complete exposure and visibility of the inmates; they will not go outside for fresh air and sunshine; and the three-inch windows will allow no view of the outdoors. That is all Oscar has had to look forward to since receiving word last autumn of the upcoming change.

Dylcia Pagán could take no part participate in the education and development of her only child. Carmen Valentín saw her son grow from boyhood into manhood from afar. Because they did their duty and defended their country, none of these prisoners were able to experience their children's growing up.

For years this Committee has been considering the case of Puerto Rico and the succession of human-rights violations committed by the United States against the people of Puerto Rico and Puerto Rican patriots. I wonder how much longer it will take this Committee to make the United States answer for its actions.

The United Nations has declared this as the international Decade for the Eradication of Colonialism, but the case of Puerto Rico seems to be a never-ending story; nothing has changed: the Yankee Government has never been made to carry out its international duty to permit the Puerto Rican people a true process of self-determination and freedom. I know of no people with its own identity, culture, territory and special characteristics that does not want sovereignty. I know of no prisoner who does not want his freedom - much less, one imprisoned for seeking his just right to national freedom.

I hope that in the future we will not have to dedicate to those represented here today this verse from *Estrellas Bravas* by Juan Antonio Corretjer:

"The enemy's dead
Lack their own flag.
Over their withered chests
Lies a rubber mantle,
And prison bars
Close their eyes and their mouths".

At the very least, this body should give effect to its previous statements on Puerto Rico. As an act of good faith, the United States Government should free our combatants. If the present situation persists, the contradictions will become sharper, and the components of the conflict will need to be resolved and steps taken to achieve the final goal. For us, this is the release of Puerto Rican prisoners of war and political prisoners, and the independence of Puerto Rico.

Ms. Lopez withdrew.

The Chairman *(interpretation from Spanish):* I appeal to petitioners to speak sufficiently slowly that the interpreters can follow and properly interpret their statements.

The next speaker is Ms. Margarita Mergal of Ofensiva '92.

At the invitation of the Chairman, Ms. Margarita Mergal (Ofensiva 92) took a place at the Committee table.

The Chairman *(interpretation from Spanish):* I call on Ms. Mergal.

Ms. Mergal (Ofensiva 92) *(interpretation from Spanish):* I am here to present the case of Puerto Rican political prisoners and prisoners of war jailed in the United States of America. I am a professor at the University of Puerto Rico and a member of the Board of Governors of Ofensiva 92, a Puerto Rican organization seeking the release of these persecuted men and women who are fighting for the freedom of their homeland. On behalf of Ofensiva 92, I place before the Committee the demands of these captive patriots.

Today, 14 July, the world celebrates the final defeat of monarchist authoritarianism. The triumph of France is the triumph of all those who love freedom and the great democratic movements and ideas. Yet on this occasion we must recognize how inequitable and contradictory social processes can be: as French democrats were taking the Bastille - that symbol of oppression and injustice - and as the anti-colonial struggle was forging ahead in America, colonizing States remained determined to preserve their empires. The United States, itself newly released from British colonialism, was building its nation and preparing to conquer its own colonial empire.

On 25 July 1898, the troops of the notorious General Nelson Miles, known for killing Indians and repressing workers, invaded and occupied Puerto Rico. Since then, colonial power has been wielded in that island nation of the Hispanic Caribbean. Since then, Puerto Rican lovers of justice and freedom have been struggling against that infamous regime. The colonial Power exercises absolute economic control. It exercises political and legal control, as well, through the process of judicial review. One crucial element is its hegemony over mass communications and virtually all other tools of ideology.

It is well known that no colonial Power can be maintained through ideological domination alone: repression is required. That is why Puerto Rico has remained militarily occupied, and politically, economically and culturally dominated throughout the 96 years of the United States colonial regime. That is why the United States established and makes use of a broad system of surveillance that enables it to detect anti-colonial movements. That is why the United States seeks to criminalize the heroic struggle of Puerto Rico.

One of my compatriots, Mr. Cháchere, who spoke earlier, rehearsed an extensive history of the process, and I shall not repeat it. I wish merely to add that in Puerto Rico it is also a crime to be a feminist. Files are kept on feminists by law-enforcement agencies. We raised this matter last year in Vienna, at the United Nations Conference on Women.

In his book *Politica militar y dominación*, the author, Jorge Rodriguez Beruf, spotlights the relationship between militarism and repression. He writes:

> "We must also note that protecting the extensive military interests of the United States has made it necessary to develop civilian and military structures and an intelligence and law-enforcement machinery that exceed by far those required for maintaining internal order. All the military agencies and the Federal Bureau of Investigation routinely carry out intelligence activities among the civilian population and political groups. These activities have markedly increased in recent years. The ideology of the so-called anti-terrorist campaign is a central element of such activities and is designed to inhibit the pursuit of legal activities and criminalize all opposition. Thus, the militarist State leads to the police State, and to a tendency to limit the exercise of basic democratic rights".

In Puerto Rico, the exercise of the basic democratic rights recognized by virtually all nations and by the United Nations often involves a high price: slander, persecution, defamation, loss of employment, imprisonment and death.

Our people has been divided by forcible and fraudulent emigration brought about by the deplorable economic conditions under which most Puerto Ricans must live, in line with the interests of the United States colonial administration. Hence, the national liberation struggle has been organized not only by Puerto Ricans living in the island, but also by Puerto Ricans living in the territory of the metropolitan Power. Following the 1950 nationalist uprising, a kangaroo court sentenced Pedro Albizu Campos to 55 years in prison. Severe illness led to his early release. He always maintained that while in prison he was the victim of radiation experiments; the United States labeled him a madman. We now know by its own admission that the United States did indeed carry out human experiments to learn the effects of radiation, sometimes upon prisoners and in many cases without the consent or knowledge of the victims.

Also in 1950, there was an attempt on the life of the President of the United States. One Puerto Rican was killed and another condemned to death. Subsequently, an international campaign led to commutation of the sentence to life imprisonment. In 1954, four nationalists fired upon the United States Congress, demanding independence for Puerto Rico. They were sentenced to 75 years in prison; again, thanks to an international campaign they served only 25 years before being released by the President of the United States.

A number of independence activists have been in United States jails since the 1980s for their activities. Some are alleged to be members of the Armed Forces of National Liberation, and others of the Macheteros, both organizations dedicated to the national liberation of Puerto Rico. Several Puerto Ricans prosecuted for their activities in support of Puerto Rican independence live secretly in exile.

The United States campaign of judicial repression continues against the present generation of pro-independence militants, as can be seen from the disproportionate sentences handed down against them, and in the conditions of their imprisonment.

The sentences in many cases seem to depend on the patriotic fervour of the statements made by the accused in court when sentenced. One of the judges said when imposing sentence that he regretted he did not have the power to impose the death penalty. The sentences on these militants range from 35 years to 105. The average sentence is 71.6 years; the average for men is 70.8 and for women 72.8.

Other independence advocates were accused of conspiring to steal $7.5 million, insured by the United States Government, from an armoured car belonging to Wells Fargo. The underground Puerto Rican *independentista* organization known as "Los Macheteros" took responsibility for that robbery, which took place in Hartford, Connecticut. The average sentence for those convicted in the Hartford case was 20 years. If we compare those sentences with those imposed on the so-called common criminals, we can see how punitive and excessive they are. Reports of the United States Government itself indicate that the longest average term served in jail by a person accused by the Federal Government of committing a serious crime is 77 months, or 6.4 years. These reports reflect an average sentence of 73 months, approximately six years, in cases of homicide.

The discrimination against Puerto Ricans is made clear by comparing their sentences with those handed down against members of neo-nazi groups or the Ku Klux Klan. A leader of that racist organization was captured in a boat with an arsenal of weapons and explosives intended for an invasion of Dominica. His purpose was to establish a white supremacist State in that country. Although he faced

a maximum of eight years in jail, he was sentenced to only three and released after serving two.

A neo-nazi served five years in jail for conspiring to explode 1,400 pounds of dynamite during a lecture by Martin Luther King Jr. to a Jewish organization.

In another case a man was found guilty of placing bombs in 10 abortion clinics, causing more than $1 million in damage. He was sentenced to only 10 years in prison and to payment of a fine. He was released after serving 46 months.

The conditions of imprisonment suffered by Puerto Rican political prisoners are calculated to humiliate them, deny their political identity, break their spirit and destroy their identity. If, as is well known internationally, general conditions for prisoners in United States jails are deplorable, purely punitive and in no way geared to the psycho-social rehabilitation of offenders, for political prisoners the system is doubly oppressive and inhuman to anyone who dares to question it. The treatment reserved for such prisoners and the criminalization of their struggle are designed above all to force them to cooperate with the Government and to shackle anyone who even attempts to deny the methods of American democracy. These conditions violate international standards, such as those established by the United Nations, and also United States laws.

In the interests of brevity, I shall not detail the day-to-day orgy of repression against these defenders of their homeland, but I shall content myself with the general outlines. They are incarcerated in prisons far from their political community and family. Those who were residents of Puerto Rico before being detained are jailed outside the national territory. Visiting rights are applied completely arbitrarily and without any consideration for the traditional cultural norms and traditions of the prisoners, who define their family circle in a way that is quite different from that in the United States. The right of prisoners to have leave to attend family activities is also dealt with in an arbitrary way. Not only are political prisoners held far from their national and political communities, but they are separated from each other and unable to communicate with each other. As if all this were not enough, they have also had to suffer physical and psychological torture and sexual abuse. They have been denied medical services.

Clearly, deliberate political harassment is our daily lot. With complete arbitrariness, at the jailer's whim the prisoners are held in maximum security units or sent to solitary confinement. It is proof of the incredible capriciousness and hypocrisy that human beings are capable of that the United States, a country that sets itself up as judge of the moral and democratic character of the States that make up the international community, itself subjects to these iniquities citizens of its colonies whose only crime has been to fight for self-determination and sovereignty for their people.

The struggle that brought these prisoners to the dungeons of the United States is legally based on principles of international law. I shall not repeat them, because they have been dealt with extensively in this Committee in previous years and today.

This situation is a challenge, a provocation, to the international community. These activities undermine its moral and political force. Or are international standards set up to be applied only to the weak and to be violated by the powerful? The existence of political prisoners anywhere in the world should be a moral injury to us all in our heart of hearts and an insult to our intelligence. It is an affront to any person aware of his own human dignity. Therefore, *Ofensiva '92* appeals to the Committee: first, to keep the colonial case of Puerto Rico on its agenda; secondly, to condemn all manifestations of colonialism in Puerto Rico; thirdly, to reiterate the need to look into our case and promote it, ensuring that the investigation includes a mission to visit the prisoners in jail; fourthly, to take action to bring the case of Puerto Rico before the International Court of Justice in the Hague; and, fifthly, to demand the release of Puerto Rican political prisoners and prisoners of war held in United States jails.

Like all colonialism, that of the United States bears the mark of repression, which is a bloody and tragic aspect of the history of colonized peoples and those who have experienced acts of intervention. But it also bears the mark of the heroism of peoples, such as the people of Puerto Rico, who will not allow themselves to be destroyed. In this struggle solidarity is an indispensable form of support, the banner we wave on high.

A great American, Pablo Neruda, a diplomat and politician, understood that in these matters one does not have to put aside poetic sensitivity. Let us say with Neruda, in his *Nuevas Odas Elementales*:

"Now

"You will help me. With a finger,

"With a word,

"With a sign

"From you

"And when

"Those fingers, those signs, those words

"Walk and work

"Something

"Will appear in the motionless air

"A

"Sound of solidarity at the window,

"A

"Star in the terrible peace of the night,

"And then

"You will sleep peacefully

"You will live peacefully

"You will be a part

"Of that sound through your window

"Of that light that broke the solitude."

I thank the Committee for continuing to consider the matter and for its attention.

The petitioner withdrew.

At the invitation of the Chairman, Ms. Magdalena Cortés Acevedo (Family Committee of the Puerto Rican Political Prisoners) took a place at the Committee table.

The Chairman *(interpretation from Spanish)*: I call on Ms. Cortés Acevedo.

Ms. Cortés Acevedo *(interpretation from Spanish)*: My name is Magdalena Cortes Acevedo and I come before this Special Committee as the representative of the families of the Puerto Rican political prisoners jailed in United States prisons.

I was 12 years old when my brother Edwin was arrested in 1983. I never understood why he was arrested, but I did understand that my brother was motivated by commitments and feelings towards his people that only a person of his particular character can exhibit. Our family relationships have developed and continued through those prison bars under the constant vigilance of guards and cameras, without any kind of privacy in which we could express ourselves freely. Very often we could n even embrace because he was handcuffed, and our phone calls and letters have often been censored.

Edwin was 28 years old when he was arrested. Today he is 39. Every time I visit him his hair seems to have turned whiter. He has spent 11 years away from his family - 11 years without being able to share a moment of privacy with those he loves; 11 years without seeing many of his family members; 11 years without being able to celebrate a birthday or share a Father's Day with his children; 11 years of isolation; 11 years without being able to contribute his talents to our community; 11 years without adequate medical treatment or proper diets, 11 years of harassment by the penal administration; 11 years of humiliation because of the constant searches to which he has to submit before every visit, 11 years during which his jailers have striven to dehumanize him; 11 years of constant worry over the possibility that something might happen to him in that environment of tension and violence.

For eight years, Edwin was jailed in Lewisburg, Pennsylvania, hundreds of miles from his family and community in Chicago and thousands of miles from our home in Puerto Rico. This has had a major impact on his wife and children; as his sister, I have been affected too.

At the time of his arrest Edwin had a four-year-old daughter and a two-year-old son. Next year, his daughter will graduate from high school with honours; his son is in his second year of high school. These young people have never been able to share their achievements with their father. I quote his daughter Noemí:

"We miss our father very much. Even though we have not grown up with him we love him a lot. No one can replace him in our hearts. We hope everyone will understand our pain and will help us in the struggle against his imprisonment and for the independence of Puerto Rico."

Through their many visits to him they have never been able to share their feelings with him freely because of harassment by the prison staff.

Seven years ago my brothers Julio and Frankie, Edwin's girlfriend Alba, her son Carlos and other relatives had a traffic accident on a trip to Pennsylvania to visit Edwin. Edwin suffered the despair of not knowing the condition of his relatives. His son was hospitalized for several weeks. Julio was seriously injured and was near death. As a result, Julio is in a wheelchair today, and can visit my brother Edwin in prison only with great difficulty. Edwin's visits continue to be limited to two hours and he is denied access to the visitors' room. During those visits Edwin is in shackles and handcuffs, with two guards present.

Our parents live in Puerto Rico. Due to their age and ill-health they cannot visit Edwin very often. My mother is 67 years old and my father is 70. Normally they can see their son once a year. My brother has not been able to share the trials of our family on occasions such as the tragedy I have just mentioned, the death of our nephew Carlos and the time we almost lost our father to a stroke and when he needed urgent surgery to remove bloodclot in the brain. As our parents grow older, they wonder if they will ever be able to embrace their son whenever they want.

But my relatives are not the only ones living through such a tragedy. All our prisoners have been jailed far away from their families and subjected to unexpected and unwarranted transfers. These transfers place added pressure on the family because of the distances involved, the frequency with which visits can take place, the process of getting accustomed to a new penal environment, the need to send money to maintain open communications at all times, and so on.

The most repugnant aspect of everything that our jailed patriots have gone through is the denial of the opportunity to be with their loved ones at the moment of their death. This is a totally unjust and inhuman aspect, as was the case with Oscar López Rivera, Elizam Escobar and Carmen Valentín upon the death of their parents and Ricardo Jiménez, Juan Segarra Palmer and Adolfo Matos on the death of their mothers. This was clearly due to their status as political prisoners, because we have seen that ordinary prisoners are permitted time and time again to share with their families that most difficult time for any human being, the death of a loved one.

In speaking as the sister of one of our jailed patriots, I feel inside of me and I express to you the grief and rage of the relatives of all these prisoners. I understand the despair and anger they all feel at the injustices committed against, our political prisoners.

It is absurd that this country should not be pressured to release its political prisoners, but is allowed to go about the world demanding of other countries that they release theirs. Charity begins at home. The United States cannot demand of other countries that human rights be respected while those rights are being denied in Puerto Rico. They cannot dictate which political prisoners should be released and which should not merely by the fact that they are to be found here, in the most powerful nation in the world, rather than in a country whose policy does not meet the interests of the United States.

I urge the Committee to have pity on our families, if not with a resolution then with a letter or petition to the President of the United States, individually or collectively, urging the unconditional amnesty of our patriotic brothers and sisters in prison. Some of you sitting here today were once victims of colonialism. You surely understand the pain that we are going through.

I hope that my brief words will not fall once again on deaf ears. I am here because I believe that this body has a moral responsibility to demand of the United States that my brother and other Puerto Rican political prisoners be granted their immediate freedom. Their relatives and their people await.

Ms. Cortés Acevedo withdrew.

At the invitation of the Chairman, Mr. Valentín Soto (Comité de Afirmación Puertorriqueña) took a place at the Committee table.

The Chairman (*interpretation from Spanish*): I call on Mr. Soto.

Mr. Soto *(interpretation from Spanish):* My name is Valentín Soto. I am an assistant professor of Spanish linguistics and Latin American literature at the State University of Montclair, New Jersey, and Director of the Programme of Latin American Studies at the same institution. I am appearing before this Committee today as the spokesman of the Comité de Afirmación Puertorriqueña of the City of New York. The opinions I will express reflect the collective consciousness of the Comité de Afirmación Puertorriqueña.

The Comité de Afirmación Puertorriqueña of the City of New York is appearing once again before this Committee to urge it to reaffirm the inalienable right of the people of Puerto Rico to self-determination and independence, consistent with General Assembly resolution 1514 (XV).

Despite this Committee's repeated resolutions urging implementation of the decolonization process in Puerto Rico, we must recognize that manoeuvres against the exercise of self-determination by our people are once again taking place. This time, the case of Puerto Rico falls in the context of a unipolar new world order, skilfully orchestrated under the baton of Washington. Converted into the champions of neo-liberalism, with their policies of privatization, automation, mergers of major financial consortia and as the head of colossal common markets, the United States is attempting to erase from the annals of history the slightest memory of the age-old demand of the Puerto Rican people to exercise its right to self-determination and to enjoy to the full its sovereignty.

Not content with manipulating the Security Council, the United States is attempting to slant the opinion of the Special Committee on decolonization so as to bury the case of Puerto Rico under crushing burdens of bureaucracy and indifference. As a result, sensible declarations and decisions which had earned universal respect and admiration for all members of the decolonization Committee have been circumvented. The impending danger is real. Especially in the current ominous conditions, therefore, it behoves the United Nations, the highest international forum and the collective conscience of humanity, to conduct its deliberations with justice and equanimity.

Among those questions affecting the realization of full sovereignty and the exercise of self-determination in Puerto Rico are the military occupation of a large part of our national territory by the armed forces of the occupying Power; the harassment, mistreatment and violation of rights daily inflicted upon our political prisoners and prisoners of war; the morass of indifference in Washington to the false plebiscite that took place in Puerto Rico in November 1993; assaults upon our culture and language; attacks on Puerto Rican nationality and citizenship; environmental pollution; and the radiation and experiments to which our nationals are subjected, as in the case of Pedro Albizu Campos, which has been fully documented by the press in recent days.

Because of time limitations, I shall restrict myself here to three basic issues which highlight the oppressive nature of the régime in Puerto Rico and the violation of the most elementary principles of the right of self-determination of peoples and their full enjoyment of sovereignty. Those issues are: first, the debate on citizenship; secondly, the plebiscite of 14 November 1993; and, thirdly, the unjust imprisonment of 17 Puerto Rican nationals.

As to the citizenship debate, it is once again clear, as we indicated in our report last year, that the imposition of Washington's judicial apparatus upon our people has given rise to a variety of absurd, ambiguous and paradoxical situations which are difficult or impossible to resolve in concrete and tangible terms. One is the question of citizenship and nationality, an extremely complex and thorny issue viewed in the light of the legalistic arguments of the United States. We will not address the conceptual and theoretical foundations that inform this debate. That has been taken care of, *inter alios*, by distinguished jurists of the Bar Association of Puerto Rico. But we do wish to state for the record that, according to the most advanced thinking in Puerto Rican legal circles, the citizenship question is among those which require the greatest clarification, and which need to be resolved if there is to be a real decolonization process in Puerto Rico. We cannot continue playing the cat-and-mouse game of two citizenships, irrevocable citizenship, dual citizenship, first- or second- or even third-class citizenship, or indeed the infinite variations of a situation more appropriate to the labyrinths of Borges or the magic realism of García Márquez than to the harsh realities of a people devoted to peace, social justice and freedom - a people utterly ignorant of such machinations and artifice. For that very reason, Gabriel García Márquez has said that in Latin America reality itself is more fictional than fiction.

In the midst of this apparatus of legal and juridical word-play, the Puerto Rican patriot Fufi Santori, followed by hundreds of patriots within and outside Puerto Rico, gave the situation a new, unexpected twist by renouncing United States citizenship and adopting Puerto Rican citizenship, which had been inadvertently legalized by the Foraker Act of 1900. The colonial condition of Puerto Ricans has brought us up against a most absurd and unimaginable situation, such as the distinction made between "nation" and "homeland" by the former Government of Puerto Rico, Luis Ferré, in 1969, or that made between "citizenship" and "nationality".

The complexity of the case leads us back to a document that was challenged by Pedro Albizu Campos and

the defenders of our right to self-determination, namely, the Treaty of Paris, drafted between 1 October and 10 December 1898. In the preparation of that document, the views of the Spanish commissioners were defeated by the obstinacy of the United States commissioners, who divided the inhabitants of Puerto Rico into the native inhabitants of the ceded territories and those born in Spain. Thus, Article IX of the Treaty of Paris later gave rise, perhaps inadvertently, to what was to become Puerto Rico citizenship in Article 7 of the Foraker Act:

> "All inhabitants of Puerto Rico who continue to reside in Puerto Rico, as well as former Spanish subjects who also continue to reside in Puerto Rico and did not preserve their nationality from 11 April 1899, were deemed to be citizens of Puerto Rico."

The matter is much more complex, because these Puerto Rican citizens today, under the United States legal system, were also nationals of the United States. Together with United States citizens living in Puerto Rico, they became a political body known as the "People of Puerto Rico".

In 1917, with the Jones Act, the case was further complicated by the imposition of United States citizenship upon all Puerto Rican citizens, despite the unanimous opposition of the House of Representatives, who were at the time the true depository of the collective and democratic consciousness of the Puerto Rican people. It seems that this the collective rejection, not only of United States citizenship but also a kind of celestial citizenship for the sake of preserving our Puerto Rican citizenship, was a blow to United States Congressmen. They listened attentively as the Puerto Rican patriot José de Diego, who was then President of the House of Representatives, said:

> "The United States is not exercising true sovereignty over Puerto Rico because Puerto Ricans are not citizens of the United States. Sovereignty over Puerto Ricans resides in the 'People of Puerto Rico' as a necessary consequence of their being citizens of the 'Nation of Puerto Rico'."

The complexities created today around the question of citizenship and nationality therefore have their roots in the arbitrary provisions of United States colonialism in Puerto Rico. The United States seized the territory, population and sovereignty of Puerto Rico through a violation of international law. That is why we are today facing legalistic arguments and absurdities that are unprecedented in the annals of law and social order. For there to be a true decolonization process, it is indispensable to dismantle that whole legalistic apparatus, which is not an organic component of the Puerto Rican nation. In the final analysis, the only intelligent response to the questions of nationality, citizenship, legalistic arguments and the juridical-legal labyrinth imposed upon our people was given by Pedro Albizu Campos, the apostle of our nation and our lone-star flag, when he said:

> "What is on the table is the final definition: We must be either Yankees or Puerto Ricans."

The second aspect of my statement concerns the core of the colonial problem in Puerto Rico, the false plebiscite of 14 November 1993. As we said in our last statement before this international forum, the so-called plebiscite has had no tangible repercussions in terms of improving the colonial conditions of Puerto Rico. The only visible result, as noted in a press release of 9 March, has been the establishment of an inter-agency task force on Puerto Rico, which will supposedly "hear proposals on economic and other matters that may emerge from the plebiscite". Naturally, other results of the plebiscite were the eloquently empty manifestations of United States leaders to the effect that they would respect the decision of the majority of the Puerto Rican people, a song we have been hearing ever since the time of President Eisenhower.

The only hopeful note in that litany of empty pronouncements was the concrete action taken by President Bush in 1989, urging the United States Congress to pass legislation so that the people of Puerto Rico might exercise their right to self-determination. That was an important milestone in that it was the first time that the United States Government itself had implicitly acknowledged the colonial status of Puerto Rico. That move led the Energy and Natural Resources Committee of the United States Senate to begin a process of consultation, public hearings and studies concerning the political status of Puerto Rico, with a view to holding a plebiscite there. That represented another important milestone, because it was the first time the United States Congress had begun a process that could lead to the decolonization of Puerto Rico. But the initiative became bogged down, the proposed plebiscite was cancelled, and ever since then the Washington Government has washed its hands of the case of Puerto Rico and abandoned any serious attempt to resolve the question raised by a political status akin to that of a colonial second-class citizen.

It is clear, therefore, that the people of Puerto Rico and the Government of the United States both recognize the volatility of the present political situation and the need to

resolve it. Puerto Rico is the largest and most important remaining bastion of colonialism in the world today; its 5 or 6 million inhabitants, on and off the island, represent 80 per cent of the inhabitants of the world still living under colonialism. So long as the colonial situation of Puerto Rico remains unresolved, we will not have put an end to colonialism in the world, nor will we have fulfilled the mission of this lofty international forum, which proclaimed this decade as the one in which colonialism would be eradicated from the face of the Earth.

We all are familiar with the integrity that has been demonstrated in the past by the Special Committee on decolonization, which for more than 20 years has been discussing the case of Puerto Rico at the international level and has adopted 16 resolutions and decisions in that connection.

Nevertheless, the current state of international affairs is worrisome because of its underhanded character. Blackmail, veiled threats, subterfuges, shady deals and other deceptive practices have been used in an attempt to influence the decolonizing process. Accordingly, we endorse the petition of the Puerto Rican Bar Association requesting the Special Committee on decolonization of this lofty international forum to recommend to the General Assembly that it bring to the International Court of Justice at the Hague a case concerning the true political status of Puerto Rico in the light of international law.

The final point of our statement has to do with the fate of Puerto Rican political prisoners and prisoners of war. At present, 17 Puerto Ricans - men and women both - are serving long sentences in United States penitentiaries.

We would like at this time to bring up the question of the radioactive experiments that have been conducted on human beings by the United States since 1940, and especially the case of Mr. Pedro Albizu Campos, a prisoner of war whose lifespan was shortened in jail due to the criminal application of radioactive substances, which contributed to undermining his health and led to his premature death. Both cases are linked, as may be inferred from the statements of the United States Government Department of Energy, in that since 1940, these types of experiments have been taking place and prisoners in jails and penitentiaries have been irradiated.

Mr. Pedro Albizu Campos, a patriot who was also a chemical engineer with the University of Vermont and who understood atomic energy and chemistry, was labelled mad or delusional by the "establishment" when he complained of the radioactive tortures to which he was being subjected. In December 1952, his lawyer, Juan Hernández Valle, revealed the violations of his rights in a document entitled "Petition and argument requesting the United Nations to designate a commission to investigate the cruel and inhuman treatment of the Puerto Rican patriot Dr. Pedro Albizu Campos, jailed in San Juan, Puerto Rico". I have here part of the text of that document:

> "Pedro Albizu Campos maintains that he constantly feels waves of heat in his body, that his vital organs are being attacked: the head, the neck, the ears, the eyes. His blood pressure, he says, is artificially elevated. These attacks are designed to weaken him, upset him, drive him to despair and to collapse, with the goal of bringing about a stroke or a heart attack. Don Pedro maintains that the plan is to kill him without anyone being held responsible. This would be done by causing death that would appear to be due to a heart attack, which would in turn have resulted in partial or complete paralysis, or even death. He maintains that what he is reporting is not a medical problem - or is one only incidentally - but a case of nuclear physics, and that an expert on that subject would not even need to examine him: all that would be required would be a field investigation with the appropriate equipment."

Four years later, Albizu suffered a devastating stroke that left him paralyzed and unable to speak until his death, which took place in 1965. His body showed signs of bruises and burns - the direct result of radiation. His accusations in this respect were not mere ravings; a Cuban doctor certified that the charismatic President of the Puerto Rican Nationalist Party had, in fact, been irradiated. In those FBI documents that it was possible to make public, all references to Albizu's physical health have been deleted. Even the director of the CIA, Mr. Stansfield Turner, admitted in 1977 that his agency, during the early 1950s,

(spoke in English)

> "conducted mind control and behaviour modification experiments on many Americans, including prison inmates".

(spoke in Spanish)

No one has the slightest reason to conclude that the case of Albizu is an isolated one. Since the beginning of this year, the world press has given broad coverage to the radioactive experiments conducted on human beings by the

Pentagon and other United States agencies. In an article in *The New York Times* of 11 April 1994 entitled "Cold War Radiation Test on Humans to Undergo a Congressional Review", we learned that with the backing of the Pentagon, the University of Cincinnati conducted experiments in which it applied excessive doses of radiation to 88 patients, most of them poor and African-American. The same thing happened in 172 hospitals under the jurisdiction of the Veterans Administration, according to an article in the 12 January 1994 edition of the *Daily News* entitled "Vets Irate Over Radiation Tests".

All of the foregoing serves as an introduction to lend credibility to our concern over the 20 or so prisoners of war imprisoned under Draconian conditions in United States territory. If the "establishment" subjects its own nationals to this type of hair-raising mistreatment, what can we hope for as far as the fate of the Puerto Rican nationals who have declared themselves, quite rightly, to be political prisoners or prisoners of war, and who are seeking once and for all to put an end to the illegal occupation of Puerto Rican territory by the Yankee invaders?

In this context, particular significance must be attached to the Puerto Rican political prisoners' claim that for there to be a true decolonization process in Puerto Rico, it is necessary to release these fighters, who are only seeking to achieve by arms what the members of this Committee on decolonization have already affirmed in black and white on 16 occasions, namely, to guarantee the right of Puerto Rico to self-determination.

We therefore appeal to Committee members to reaffirm the right of Puerto Rico to self-determination and in so doing to support the release of all Puerto Rican political prisoners and prisoners of war: those currently in jail, those in forcible exile and those who must live underground. What offense was committed by these men and women? The simple fact of seeking the freedom of their homeland, fulfilling the elementary obligation of every patriot who opposes the imperial invader, an invader that has been coveting our land since 1898.

The entry of the United States into the Cuban war of independence, with the clear purpose of stealing our land and exploiting a captive market and workforce, is a straightforward event that requires no demonstration. International law and the resolutions of the Special Committee on decolonization recognize the inalienable right of the Puerto Rican people to independence and to self-determination. Unfortunately, putting international law into practice is a different matter, thanks to the presence of 40,000 marines in Santo Domingo, Grenada, Panama, and perhaps soon in Haiti, always under the cover of some puppet organization of the hemisphere.

For such an obvious violation we need not make reference to Che Guevara or Fanon. We can look to Shakespeare, creator of the pathetic character Caliban, who represents our Caribbean region; or to the French humanist Michel de Montaigne, who exposed the precise nature of the cannibalism of metropolitan Powers; or to Sophocles and his Antigone. All of them are keen thinkers who in their works expose the contradictions of metropolitan Powers and the defects and abuses of the systems under which they had to live.

We Puerto Ricans have our own Antigones who, because they are ours, are more valuable and more useful to us. There is Alejandrina Torres, sentenced to 35 years in prison; Dylcia Pagán, sentenced to 73 years; Alicia Rodríguez, sentenced to 85 years in prison; Aída Luz Rodríguez, 88 years in prison; Carmen Valentín, 98 years behind bars; and Haydée Beltrán, sentenced to life imprisonment. These are brave women who struggle in the belly of the beast while holding high the pure and shining banner of freedom.

We also have our Calibans who have not only learned to curse in the language of the empire but also brandish weapons, following the straight path of liberation that goes from the Tainos in Yagüeca to Betances in Lares and to Lolita Lebrón in Jayuya; to Filiberto Ojeda Ríos, Edwin Cortes, Elizam Escobar, Oscar López and, among others, don Pedro Albizu Campos, the man who devoted the best years of his life to opposing in word and deed the horrors of vassalage and colonial domination that Puerto Rico continues to endure.

The soul is stirred, it trembles at the memory of all the men and women who have sacrificed their individual happiness, shedding their purple blood to germinate the seed of freedom and of the self-determination of peoples.

We conclude our statement by offering our deepest thanks for the opportunity given us to tell the world about the flagrant violations of international law committed with impunity by the United States in Puerto Rico. We urge the Committee to maintain the high-mindedness and moral integrity that have always characterized its deliberations.

Let us remember that the struggle of the Puerto Ricans dates back hundreds of years and that in it the pen and the sword - to paraphrase Cervantes's famous discourse on

arms and letters - have always sought to find the perfect balance of justice so that the good laws can be obeyed and each person can be given his due. Here we repeat what we said in our statement here last year.

This lofty international forum, which is called upon to be the political conscience of humanity, must be up to the challenges of the times in order to be prepared for that moment when history, which is implacable, demands an accounting of its deliberations. Let this really be the decade of eradicating colonialism from the face of the Earth.

Meanwhile, the words given life by don Pedro Albizu Campos, martyr and apostle of the self-determination and sovereignty of the peoples of America, resound in the conscience of the Puerto Rican nation on both sides of the Atlantic, shining words whose thundering echoes penetrate to the most secret fibre of the noble and unbending soul of all Puerto Rican patriots:

"To take our country, they first have to take our lives. Give us our country or give us death. We shall be victorious!"

Mr. Valentín Soto withdrew.

At the invitation of the Chairman, Mr. Julio Antonio Muriente Pérez (Nuevo Movimiento Independentista de Puerto Rico) took a place at the Committee table.

The Chairman) (*interpretation from Spanish*): I call on Mr. Muriente Pérez.

Mr. Muriente Pérez *(interpretation from Spanish):* My name is Julio Antonio Muriente Pérez, and I represent the New *Independentista* Movement of Puerto Rico, of which I am the alternate spokesperson. I deeply appreciate the opportunity given us to present to the Committee some important considerations relating to the colonial case of Puerto Rico.

The New *Independentista* Movement was founded on 3 October 1993. It was born of the merger of the former members of the Puerto Rican Socialist Party, which was dissolved on that same date, and of many fellow citizens who up to that time were unaffiliated but who wished to make a contribution to the cause of decolonization and independence for our country.

In coming here today we wish to follow in the footsteps of the patriotic forces that for many years have recognized this Special Committee as an important international forum that has contributed, and can still contribute, to the process of self-determination and independence for Puerto Rico.

We have come to these historic premises with our optimism stirred by the position taken at the recent summit meeting in Cairo of the Ministers of the countries of the Non-Aligned Movement, an organization of which the New *Independentista* Movement is an observer member. In their final declaration,

> "The Ministers recalled the resolution relating to Puerto Rico, adopted by the Special Committee on decolonization of the United Nations with the support of the countries of Latin America and the Caribbean which are members of the Committee; and they reaffirmed the inalienable right of the Puerto Rican people to self-determination and independence, in conformity with resolution 1514 (XV) of the General Assembly of the United Nations. They expressed confidence that at the earliest possible date a legal framework would be adopted to enable the Puerto Rican people to exercise that right."

Over the past year the metropolitan Power, the United States, has repeatedly shown a lack of will to decolonize Puerto Rico. The New Progressive Party, an annexationist group that has wielded power in the colonial administration since the general elections of 1992, promoted the holding of a referendum which it tried to characterize as a plebiscite for decolonization. That referendum was held on 14 November 1993. It was denounced by large sectors of our population as a sterile exercise that did not take into consideration international legality relating to the decolonization process, that blocked the participation of the more than 2.5 million compatriots living in the United States and regarding which the United States refused to make any formal commitment that would contribute to the ending the current colonial condition.

In fact, the aim of the annexationist colonial Government, by promoting this farce of a plebiscite, was to give momentum to its plans to make Puerto Rico a state of the United States. None the less, the annexationist option was defeated in the election, thus receiving a hard blow a scant 11 months after having taken over the colonial administration. The fact that the relative majority of the votes in the election went to proponents of Commonwealth - which is to say, colonialism - should not be interpreted as a sign of satisfaction with the prevailing political, social and economic situation. On the contrary, conflicts and

dissatisfactions of all sorts are growing and deepening in our society, all of them related, in one way or another, to the colonial problem.

Rather than an expression of support for Commonwealth status, the result of the election of 14 November last constituted a resounding rejection of those who promote annexation as the alternative to colonialism. That should be made very clear. For a nation suffering colonial domination, as is Puerto Rico, annexation is not a decolonization option. On the contrary, annexation would mean the consummation of colonialism and our demise as a people and as a nation.

Just as the United States had made no prior commitment with respect to the result of last November's farcical plebiscite, in the eight months since then it has shown indifference and a total lack of will to decolonize. Although President Clinton had said informally that he was willing to consider the result of the referendum, the facts have been different. On 9 March the White House announced the creation of an interagency committee to study "proposals on economic and other matters arising from the plebiscite". But that was just another trick. As of early June, 90 days had passed, and Washington had not lifted a finger, even though the claims are extremely modest, in no way seeking to modify the existing colonial relationship.

Finally, the so-called plebiscite of 14 November, which cost tens of millions of dollars in public money, may have sketched a profile of political-status preferences by the population, but was a waste of time and resources as far as the decolonization process was concerned. It was a further ploy by the annexationists and an act of deceit by the metropolitan Government.

Meanwhile, this year has seen a significant increase in the use of Puerto Rico as a military enclave for the United States armed forces - a use to which my country has been put for more than 95 years. Since early 1994, the country's two largest cities, San Juan and Ponce, have been used as ports of debarkation for thousands of sailors from United States ships before and after their participation in military manoeuvres in the Puerto Rican island of Vieques, which has been under military occupation for more than half a century. These invasions by sailors pose an incalculable social threat, by exposing our society to the kind of "rest-and-relaxation" activities that such visitors tend to engage in.

Even worse, for more than a year the annexationist Government has been actively working to move the United States Army Southern Command, currently based in Panama, to Puerto Rico. On 5 July, on land that was once the Ramey air base, United States military units began military exercises in the north-western part of our country. The earlier announcement of those exercises had triggered major protests, which culminated in the huge 4th of July demonstration at the Ramey base. Other military activities have been observed in the south-western part of the country, especially in the Lajas valley, one of Puerto Rico's most fertile regions.

The long inventory of United States colonial domination in Puerto Rico, which our patriots have rehearsed before this Committee year after year, has not shrunk, but has grown longer. Yet the United States stubbornly ignores the demands for freedom that have echoed in this international forum.

The United Nations has proclaimed this the International Decade for the Eradication of Colonialism. With the imminent advent of the twenty-first century, the Decade will be over and, according to some, the work of this Committee along with it. Yet there has been no resolution of the case of the most important colony yet to achieve its full right to self-determination and independence, Puerto Rico.

We appeal for solidarity, to this Committee and to the world, on 14 July, which marks the two-hundred-fifth anniversary of the storming of the Bastille and the beginning of the French Revolution, a historical process that had a decisive influence on the anti-colonial struggles that brought most of the peoples of Latin America to independence early in the last century. Yet 205 years after the beginning of the French revolution and after its proclamation of the Declaration of the Rights of Man and the Citizen, Puerto Rico remains a colony.

We appeal for the Committee's solidarity when, on 25 July next, we commemorate the ninety-sixth anniversary of the United States military invasion of Puerto Rico, which had previously been a Spanish colony for 405 years. On that day we shall also mark the forty-second anniversary of our Commonwealth status, the cloak under which the United States has disguised the truth of the colonial status of Puerto Rico, and which, despite claims to the contrary, offers no shred of self-government or autonomy.

The Puerto Rican people shares the aspiration to life, liberty and the pursuit of happiness enshrined by the

independence fighters of the 13 colonies of North America in their Declaration of Independence of 4 July 1776. Like them, we believe

> "... that whenever any Form of Government becomes destructive ..., it is the Right of the People to alter or to abolish it, and to institute new Government".

The United States, which proudly vaunts its anti-colonial struggle against the British metropolitan Power of two centuries ago, is today determined to prevent Puerto Rico from aspiring to that same objective of self-determination and independence.

So that our just struggle may continue, we respectfully request the Committee on decolonization: to remain seized of the colonial case of Puerto Rico, as it has been since 1972; firmly to reject the use of Puerto Rico's national territory for the military purposes of the United States, in particular with respect to the plan to use our country as the headquarters of the Southern Command of the United States Armed Forces; and to press for the dispatch of a mission of enquiry to Puerto Rico to gather information in our country.

If the complete decolonization of the planet is to be achieved, Puerto Rico must achieve its right to self-determination and independence. That is the challenge before the Special Committee. That is the challenge before us all.

Mr. Muriente Pérez withdrew.

The Chairman *(interpretation from Spanish):* The Committee has heard the last speaker on this item. In conformity with the decision taken at the 1432nd meeting, held on 11 July 1994, the Committee will postpone consideration of this item to its 1995 session.

101st report of the Working Group (A/AC.109/L.1821)

The Chairman *(interpretation from Spanish):* We shall consider the report tomorrow and take a decision on them.

Activities of foreign economic and other interests which impede the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Territories under colonial domination (A/AC.109/1191 and A/AC.109/L.1822)

The Chairman *(interpretation from Spanish):* The text of draft resolution A/AC.109/L.1822 was distributed this morning. If no member wishes to speak now, we shall continue our consideration of the draft resolution tomorrow and take a decision on them.

Military activities and arrangements by colonial Powers in Territories under their administration (A/AC.109/1191 and A/AC.109/L.1823)

The Chairman *(interpretation from Spanish):* I wish to draw attention to draft decision A/AC.109/L.1823, submitted by the Chairman, whose text was distributed this morning. We shall take a decision on it tomorrow.

Question of New Caledonia (A/AC.109/1197 and A/AC.109/L.1820)

The Chairman *(interpretation from Spanish):* The Committee has before it a working paper (A/AC.109/L.1197) prepared by the Secretariat. We shall take a decision on the draft resolution (A/AC.109/L.1820) at tomorrow's meeting.

The meeting rose at 5.15 p.m.